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11 Third-Party Defendants, ASIA PACIFIC OIL &  
12 GAS LTD., a Seychelles Islands entity,  
13 AMIRZHAN JAKISHEV, and ADILZHAN DZHAKISHEV

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11 I, John R. Flocken, declare:

12       1. I am an attorney duly licensed to practice law before all of the courts of the  
13 State of California and before the United States District Court for the Central District of  
14 California. I am a member of Greenwald & Hoffman, LLP, attorneys for third party  
15 defendants Asia Pacific Oil & Gas LLP, Adilzhan Dzhakishev, and Amirzhan Jakishev in  
16 the above-entitled matter. I make this declaration based on my own knowledge and, if  
17 called as a witness, could and would testify competently to the matters stated herein.  
18

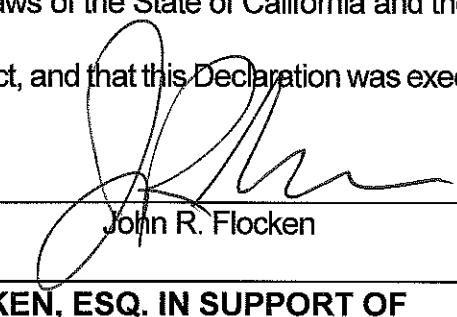
19       2.     Counsel for third party defendants met and conferred with the previous  
20 attorney for the Third Party Plaintiffs, Alina Sorkin, Esq., prior to filing the original Rule  
21 12(b) motion to dismiss. At that time her insufficient service of the Verified Amended Third  
22 Party Complaint on my clients was discussed. When asked whether she would be re-  
23 serving the same on my clients, Ms. Sorkin said she would not. (Please see Declaration  
24 of Paul A. Hoffman, Document no. 255, filed with the original Motion to Dismiss.)  
25

26 3 Prior to filing the present motion to dismiss the Second Amended Third Party  
27 Complaint on behalf of third party defendants Asia Pacific Oil & Gas LLP, Adilzhan  
28

1 Dzhakishev, and Amirzhan Jakishev, I called John T. Schreiber, new counsel of record for  
2 the Third Party Plaintiffs, Yerkin Bektayev and Kanet Meirmanov, in the above-entitled  
3 action. I attempted to call Mr. Schreiber on March 30, 2012, but no one answered his  
4 phone. At approximately 10:30 am on April 2, 2012 I called Mr. Schreiber again to discuss  
5 the present motion to dismiss the Second Amended Third Party Complaint. He was not in,  
6 and I left a message with his answering machine to please call me regarding this matter  
7 as soon as possible. At approximately 1:20 pm I called again and left another message  
8 to please call me regarding the present motion to dismiss. To date, has not returned my  
9 messages to please call me regarding this case. To date, Mr. Schreiber has not returned  
10 my phone calls.  
11

12 4. The Third Party Plaintiffs former counsel, Ms. Sorkin, did not affect proper service  
13 of the original verified Third Party Complaint after our original Conference of Counsel.  
14 Further, to date, neither myself nor my clients are aware of any attempts by either Ms.  
15 Sorkin or the third party plaintiff's new attorney, John T. Schreiber, to correct the deficient  
16 service on my clients by employing one of the methods authorized by Fed.R.Civ.P. 4(f).  
17 The only attempt to "serve" the present Verified Second Amended Third Party Complaint  
18 was by ordinary mail on my office only. My clients have not received these pleadings (i.e.  
19 either the original verified Third Party Complaint, or the Second Amended Third Party  
20 Complaint) by personal service of process or any of the other methods authorized by  
21 Fed.R.Civ.P. 4(f) for proper service of process.  
22

23 I declare under penalty of perjury under the laws of the State of California and the United  
24 States of America that the foregoing is true and correct, and that this Declaration was executed on  
25 this 2<sup>nd</sup> day of April, 2012, at Santa Ana, California.  
26

27   
John R. Flocken